

REMARKS

Claims 1 to 20 were pending in the application at the time of examination. Claims 1, 4 to 14 and 17 to 20 stand rejected as anticipated.

Claim 2 has been amended to clarify that it is the signal generated in Claim 1 that is received from a parity signal line. A similar amendment has been made in Claim 15. Applicant notes that the Examiner indicated that these claims recite patentable subject matter and the Applicant respectfully submits that the amendments further clarify the signals do not affect the patentability of the claims and do not require consideration of new issues or a new search.

Claims 9 and 18 are amended to further clarify that the method and structure are directed to data streaming in a Packetized SCSI Protocol Data In Phase. It is noted that in the prior art, the determining operation was unnecessary because data streaming was not supported in the Data In Phase and so the clarifying amendment does not affect the patentability of the claims. Claims 12, 13, and 20 are amended for consistency with the amendment to the base claim from which they depend. Claim 14 is amended to correct a grammatical informality.

Claims 1, 4 to 14 and 17 to 20 stand rejected under 35 U.S.C. 102(a) as being anticipated by "The Next Steps in SCSI" by qLogic Corp., hereinafter the qLogic reference. The Examiner stated in part:

. . . the Data In phase transfers a packet (command(header) and data(payload) from the target to the initiator; . . . and receiving a signal by the SCSI initiator . . . to indicate whether a header packet information unit or another data packet information unit is to be received next in said . . . Data In phase (a packet contains nexus information (for example, the unit number of the device for which the packet is intended and

the type of packet or packets to immediately follow; a packet or information unit consists of a header and a payload transmitted in pairs, except when the header indicates there is no data (payload) to follow.)

Applicant respectfully traverses the anticipation rejection of Claim 1. The Examiner has cited no teaching of the initiator receiving any signal in the Data In phase or what the Examiner considers the signal to be. The Examiner's rejection contains no citations to support the statements made.

The qLogic reference stated in part:

. . . An IU consists of a header and a payload. These are always transmitted in pairs, except if the header indicates there is no payload to follow.

The payload can consist of commands, data, or status information. Multiple commands may be packaged into several header/payload pairs transmitted in a single connection saving the multiple selection overhead of traditional SCSI.

qLogic Reference, pg. 10, paragraphs 4 and 5.

The first thing to note about this information is that no information about the bus phases is provided. Next, header and payload are always transferred in pairs. This teaches away from a header followed by multiple payloads. The exception teaches away from a header followed by multiple payloads. Consequently, this unambiguous statement is sufficient to distinguish each of the claims. Moreover, other statements in the reference are consistent with this interpretation.

The other thing mentioned here is "multiple commands" in header/payload pairs, which would be in the Data Out phase as commands are typically sent from the initiator to the target.

However, the Examiner's attention is called to Applicant's specification at page 3, lines 13 to 18, which stated:

Similarly, a target could break data transfers from the target to the initiator up into multiple data packet information units with each data packet information unit preceded by a header packet information unit. In this case, the target kept the SCSI bus phase in Data In throughout the transfers.

Transmission of pairs of header-payload pairs fails to teach or suggest the possibility that another data packet information unit could be received following receipt of a data packet information unit in the same Data In phase. Therefore, there would be no need for receiving a signal that indicated the type of information unit to be received next.

The qLogic reference also stated:

. . . With packetized SCSI the payload information units can have many commands, pieces of data, and status information grouped together in a single transmission. The header information unit that precedes the payload unit (or units) tells the target device what to expect . . .

qLogic Reference, pg. 10, paragraph 4.

Again, there is no information concerning bus phases or the sequence of transmission of the information units and the bus phases. Also, it is not explained how the grouping is done. However, this section does state "The header information unit . . . tells the target device what to expect." This clearly is in the Data Out phase. Moreover, Applicant admitted that data streaming was known for the Data Out Phase in the Background section of the instant application.

If the Examiner interprets the phrase in the fourth paragraph on page 10 of the qLogic reference in some other manner with respect to the Data In phase, Applicant respectfully submits that such an interpretation would be counter to the Packetized SCSI Protocol, because as taught by Applicant "According to the Packetized SCSI Protocol, there is

no data streaming for data transfers from the target to the initiator." (Specification, page 4, lines 15 to 19.)

Since the Packetized SCSI protocol does not recognize streaming in the Data In Phase, there is no need for receiving another data packet information unit after receiving a data packet information unit because the protocol does not have data streaming in the Data In phase, which is a transfer from the target to the initiator. Moreover, there is no basis for inferring such a teaching in the qLogic reference because it goes against the knowledge of one of skill in the art as established in the instant application and the statement that a payload is always paired with a header.

The MPEP requires that for an anticipation rejection

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

MPEP § 22131, 8th Ed., Rev. 1, p 2100-70, (Feb 2003).

In view of the above comments, Applicant respectfully submits that the qLogic reference fails to teach the identical invention in as complete detail as is contained in Claim 1. Therefore, Applicant respectfully requests reconsideration and allowance of Claim 1.

Claim 4 stands rejected as anticipated for the same reasons as quoted from the office action for Claim 1. Applicant respectfully traverses the anticipation rejection of Claim 4.

Claim 4 depends from Claim 1 and so distinguishes over the qLogic reference for at least the same reasons as Claim 1. Applicant respectfully requests reconsideration and withdrawal

of the anticipation rejection of Claim 4 in view of the qLogic reference.

Claim 5 stands rejected as anticipated for the same reasons as quoted from the office action for Claim 1. Applicant respectfully traverses the anticipation rejection of Claim 5.

Claim 5 recites in part:

receiving a plurality of data packet information units, one immediately after another, by said SCSI initiator in said Packetized SCSI Protocol Data In phase.

The above comments with respect to the qLogic reference are incorporated herein by reference. The Examiner has failed to cite any teaching in the reference that teaches "receiving a plurality of data packet information units, one immediately after another" in the Data In phase. Therefore, according to the MPEP section quoted above, the qLogic reference fails to anticipate Claim 5.

If the Examiner continues the rejection of Claim 5 in view of the qLogic reference, the Examiner is respectfully requested to point out with specificity the sections of the reference that anticipate this Claim 5 and to point out the basis on which those sections are interpreted--i.e., the level of skill assumed by the Examiner. To the extent that the knowledge of the level of skill used by the Examiner is inconsistent with the Packetized SCSI protocol, as admitted by Applicant in the instant application (See Specification, page 2, line 17 to page 3, line 18 for phase Data In, and page 4, lines 15 to 19 with respect to data streaming in phase Data In), the Examiner is requested to provide teachings that support that knowledge. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of Claim 5.

Claims 6 to 8 stand rejected as anticipated for the same reasons as quoted from the office action for Claim 1.

Applicant respectfully traverses the anticipation rejection of Claims 6 to 8.

Claims 6 to 8 depend from Claim 5 and so each Claim distinguishes over the qLogic reference for at least the same reasons as Claim 5. Also, Applicant notes with respect to Claims 7 and 8 the Examiner rejected "a plurality of packets." However, Claims 7 and 8 do not recite a plurality of packets in the abstract, but instead a particular sequence of packet types based upon a signal state in a specific bus phase. General knowledge of a plurality of packets fails to consider the specific claim language. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 6 to 8 in view of the qLogic reference.

Claim 9 stands rejected as anticipated for the same reasons as quoted from the office action for Claim 1. Applicant respectfully traverses the anticipation rejection of Claim 9.

Claim 9, as amended, contains language similar to that as discussed above for Claim 1. Therefore, the above comments concerning the anticipation rejection of Claim 1 are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 9 in view of the qLogic reference.

Claims 10 to 13 stand rejected as anticipated for the same reasons as quoted from the office action for Claim 1. Applicant respectfully traverses the anticipation rejection of Claims 10 to 13.

Claims 10 to 13 depend from Claim 9 and so each claim distinguishes over the qLogic reference for at least the same reasons as Claim 9. With respect to the Examiner comments on Claims 11 to 13, the above comments on Claims 7 and 8 are incorporated herein by reference. Applicant respectfully requests reconsideration and withdrawal of the anticipation

rejection of each of Claims 10 to 13 in view of the qLogic reference.

Claim 14 stands rejected as anticipated for the same reasons as quoted from the office action for Claim 1. Applicant respectfully traverses the anticipation rejection of Claim 14.

Claim 14 also contains language similar to that as discussed above for Claim 1. Therefore, the above comments concerning the anticipation rejection of Claim 1 are incorporated herein by reference. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 14 in view of the qLogic reference.

Claim 17 stands rejected as anticipated for the same reasons as quoted from the office action for Claim 1. Applicant respectfully traverses the anticipation rejection of Claim 17.

Claim 17 depends from Claim 14 and so distinguishes over the qLogic reference for at least the same reasons as Claim 14. With respect to the Examiner comments on Claim 17, the above comments on Claims 7 and 8 are incorporated herein by reference. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of Claim 17 in view of the qLogic reference.

Claim 18 stands rejected as anticipated for the same reasons as quoted from the office action for Claim 1. Applicant respectfully traverses the anticipation rejection of Claim 18.

Claim 18, as amended, recites in part:

determining whether to receive another header packet information unit or another data packet information unit in said Packetized SCSI Protocol Data In phase

The above comments with respect to the qLogic reference and Claim 1 are incorporated herein by reference. The Examiner

has failed to cite any teaching in the reference that determines the type of information unit to be received next in the Data In phase. Therefore, according to the MPEP section quoted above, the qLogic reference fails to anticipate Claim 18. Applicant requests reconsideration and withdrawal of the anticipation rejection of Claim 18.

Claims 19 to 20 stand rejected as anticipated for the same reasons as quoted from the office action for Claim 1. Applicant respectfully traverses the anticipation rejection of Claims 19 to 20.

Claims 19 and 20 depend from Claim 18 and so each claim distinguishes over the qLogic reference for at least the same reasons as Claim 19. With respect to the Examiner comments on Claim 20, the above comments on Claims 7 and 8 are incorporated herein by reference. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 19 to 20.

Applicant notes that Claims 2, 3, 15 and 16 stand objected to and thanks the Examiner for indicating that these Claims recite patentable subject matter. However, in view of the above remarks, Applicant has not amended these claims to incorporate all the limitations of the base claim and any intervening claims.

With respect to the Information Disclosure Statement, the Examiner stated:

The Information Disclosure Statement filed 7/7/2003 has not been considered because the pending US Applications are incorrectly listed under "US Patent Documents."

Applicant respectfully notes that the Examiner has failed to cite any form paragraph and any portion of the MPEP that supports this action. Applicant respectfully points out the minimum requirements for consideration of an IDS as set forth

in the MPEP. Specifically, MPEP § 609 p. 600-120 to 600-122, August 2001 states in pertinent part:

III. MINIMUM REQUIREMENTS FOR AN INFORMATION
DISCLOSURE STATEMENT

A. Content

An information disclosure statement must comply with the provisions of **37 CFR 1.98** as to content for the information listed in the IDS to be considered by the Office. Each information disclosure statement must comply with the applicable provisions of subsection III.A(1), A(2), and A(3) below.

A (1) List of All Patents, Publications, U.S.
Applications, or Other Information

Each information disclosure statement must include a list of all patents, publications, U.S. applications, or other information submitted for consideration by the Office.

37 CFR 1.98(b) requires that each item of information in an IDS be identified properly. . . . U.S. applications must be identified by the inventor, the eight digit application number (the two digit series code and the six digit serial number), and the filing date.

The list of information complying with the identification requirements of **37 CFR 1.98(b)** may not be incorporated into the specification of the application in which it is being supplied, but must be submitted in a separate paper. A separate list is required so that it is easy to confirm that applicant intends to submit an information disclosure statement and because it provides a readily available checklist for the Examiner to indicate which identified documents have been considered. A copy of a separate list (generated by the Office) will also provide a simple means of communication to applicant to indicate the listed documents that have been considered and those listed documents that have not been considered. Use of either form PTO-1449, Information Disclosure Citation, or PTO/SB/08A and 08B, Information Disclosure Statement, to list the documents is encouraged. See subsection C(2) below.

A (2) Legible Copies

In addition to the list of information, each information disclosure statement must also include a legible copy of:

....

(C) For each cited pending U.S. application, the application specification including the claims, and any drawings of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and

(D) All other information or that portion which caused it to be listed. **37 CFR 1.98(a)(2)(iii)** requires a copy of a pending U.S. application that is being cited in an IDS.

A (3) Concise Explanation of Relevance for Non-
English Language Information

Nothing in section III A(1) states that a PTO 1449 is required or that the information must be placed in a particular location on that form. In fact, it states "A copy of a separate list (generated by the Office) will also provide a simple means of communication to applicant to indicate the listed documents that have been considered and those listed documents that have not been considered." The statement is that use of PTO-1449 is encouraged. Applicant supplied a list of pending U.S. Patent Applications that included the serial number, the filing date and the inventor's name in the IDS and on the PTO-1449. Thus, Applicant complied with requirement III A(1) as quoted above, even if the Examiner ignores the submitted form PTO-1449.

A complete legible copy of each cited U.S. patent application was supplied. Thus, Applicant complied with requirement III A(2), as quoted above, Requirement III A(3) is not applicable.

Therefore, according to the MPEP, Applicant met the minimum requirements for consideration of the Information Disclosure Statement. Applicant respectfully submits that the Examiner should have considered same.

However, to move prosecution forward, Applicant is providing under separate cover a Supplemental IDS that lists the U.S. Patent Applications as "Other Documents." Since this IDS includes references not previously provided, Applicant will not Petition the Commissioner for waiver of the IDS fee.

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Appl. No. 09/74 006

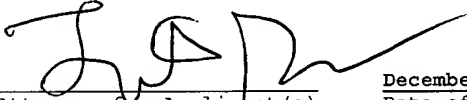
Amdt. dated December 10, 2003

Reply to Office Action of September 10, 2003

Claims 1 to 20 remain in the application. Claims 2, 9, 12, 13, 14, 15, 18, and 20 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 10, 2003.



Attorney for Applicant(s)

December 10, 2003
Date of Signature

Respectfully submitted,



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